

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
Notice of Motion No.489 of 2005
In
Review Petition (Lg.) No.46 of 2005
In
Writ Petition No.1296 of 2005

M/s.R.K.Madhani & Company. Petitioner
V/s.

Smt.Sheela K. Ambre & ors. Respondents

Mr.A.R. Pande for petitioner.

Mr.S.V. Chavan i/by M/s.Utangale & Co. for
res.No.2.

Ms.Purandare for res.Nos.3 & 4.

Mr.S.A.Sawant for res.No.2.

Respondent No.5 is served.

**CORAM : H.L. GOKHALE &
S.C.DHARMADHIKARI, JJ.**

DATE : 14th October 2005

P.C. :

1. Heard the learned Counsel for the parties.

2. This Petition seeks review of our order passed on 2nd May 2005. The only grievance of the petitioner appears to be that as far as the excess area is concerned, respondent No.1 has been asked to contribute only towards the construction costs. Mr.Pande, learned Counsel appearing for the petitioner, submits that she should have been

directed to pay the commercial charges for this excess area.

3. We have noted that respondent No.1 was accepted by the Municipal Corporation as its tenant and under the impugned order, the Municipal Corporation had recorded the area which was in possession of respondent No.1. The only loss, which probably the petitioner is going to suffer, is that some profit will be less. We do not think that we should interfere in the order which we have passed. Review Petition is dismissed.

4. In view of the disposal of the Review Petition, nothing survives in the Notice of Motion and the same is disposed of as rendered infructuous.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)